IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
TUESDAY, THE SIXTH DAY OF JULY
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE G. BIKSHAPATHY
and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 11275 of 2004

Between:
1 The Pay & Accounts Officer Insurance Building Complex
Tilak Road, Abids Hyderabad
2 The Superintendent OSmania General Hospital
Hyderabad

..... PETITIONERS

AND

Fareed Khan S/o Sri A.Mohd. Nazeer Khan
Osmania General Hospital, Hyderabad

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue appropriate Writ , order or direction more particularly one in the nature of Writ of "Certiorari" and calling for the records relating to the interim order passed in MA.No.2955/2003 in O.A.No.3975/2003 dt. 10/09/2003 and order in CA.No.1065/2003 in OA.No.3975/2003 dt. 19/12/2003 on the file of the AP. Administrative Tribunal, Hyderabad and quash the same as illegal, arbitrary.

Counsel for the Petitioners: THE GP FOR SERVICES II

Counsel for the Respondent No.: -------

The Court at the stage of admission made the Following:

THE HON'BLE SRI JUSTICE G.BIKSHAPATHY
AND
THE HON'BLE SRI JUSTICE B.SESHASAYANA REDDY
WRIT PETITION NO.11275 OF 2004

ORDER: (per the Hon'ble Sri justice G.Bikshapathy)

This writ petition is filed by the Government challenging the interim order passed by the A.P. Administrative Tribunal (for short 'the Truibunal') in M.A.No.2955 of 2003 in O.A.No.3975 of 2003 dated 10.09.2003.

2. The Tribunal passed the following interim order pending disposal of the O.A.

> "Having regard to the facts and circumstances of the case there shall be a direction to the respondents to continue the applicant in service as Kamati and also pay the salary to which he is entitled to."

3. The respondent was appointed under compassionate appointment scheme on the ground of medical invalidation of his father.

4. It is the case of the Government that the scheme of compassionate appointment in respect of medically invalidated employee was set aside by this Court and therefore, the question of appointment or continuance in service does not arise and the petitioner is not entitled to continue in service.

5. We are unable to accept the contention of the learned Government Pleader for Services II. Inasmuch as it is only an interim order and the matter has to be finally adjudicated with reference to the material available on record, we are not inclined to

interfere at this stage.

6. Accordingly, the writ petition is dismissed. However, we find that the O.A. should be resolved expeditiously and the Tribunal is directed to dispose of the O.A.3975 of 2003 within a period of three months from the date of receipt of a copy of this order.

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G. BIKSHAPATHY, J

06TH JULY, 2004.

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B.SESHASAYANA REDDY, J

YCR

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

Copy to:

1 The Pay & Accounts Officer, Insurance Building Complex
Tilak Road, Abids Hyderabad

2 The Superintendent OSmania General Hospital, Hyderabad

3. The Registrar, A.P.Administrative Tribunal, Hyderabad.

4. 2 C.D. copies.

5. 2 CCs to GP for Services II, High Court Bldgs, Hyderabad (OUT).